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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/713,476	11/15/2000	Michael Ferraro	3801-4000US1	3612
27123	7590	05/17/2006	EXAMINER	
MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			NGUYEN, PHU K	
			ART UNIT	PAPER NUMBER
			2628	

DATE MAILED: 05/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/713,476

Applicant(s)

FERRARO ET AL.

Examiner

Phu K. Nguyen

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-59, 73-77 and 91-158 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 48-59, 73-77, 91-146 and 150-158 is/are allowed.
- 6) ☒ Claim(s) 1, 2, 5, 13, 14, 18, 33-35 and 40-45 is/are rejected.
- 7) ☒ Claim(s) 3, 4, 6-12, 15-17, 19-32, 36-39, 46-47, 147-149 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.


**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**PHU K. NGUYEN**  
**PRIMARY EXAMINER**  
**GROUP 2300**

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, 5, 13, 14, 18, 33-35, 40-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yamamoto in view of RAMSDEN et al. (WO 98/35320).

As per claim 1, Yamamoto teaches the claimed audio analysis unit at figure 3, item 12, and at column 1 line 24 to column 3 line 8., and the claimed control unit at column 3 lines 8-27. Applicant's argument filed January 16, 2004 have been fully considered, and Examiner agrees that the difference between the claimed invention and Yamamoto. However, such difference is just a trade off between the required memory space and the processing time; specifically, in Applicant's claimed invention, the features of the animated character are selected, and then the animation frames for displaying are formed based on the selected features, whereas, in Yamamoto, the animation frames for all possible features are formed, then the animation frames for displaying are selected based on the selected features. In other words, in Applicant's invention, to save the memory, the processing time for forming the frames based on the selected features is critical, whereas, in Yamamoto, to reduce the processing time, the memory space for storing the animation frames is critical. Ramsden teaches that forming of animation frames based on the animated character is well known (Ramsden, page 10, lines 1-14). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Ramsden, to configure

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Yamamoto's system as claimed by forming the animation frames for only the selected features of the animated characters. As argued above, or showed in Yamamoto (column 13, lines 33-55), the motivation for forming only frames of selected features as claimed is a trade off between the required memory and processing time.

Claim 2 requires the compositing unit to create image sequences from individual graphic elements. As argued above, , in Applicant's claimed invention, the features of the animated character are selected, and then the animation frames for displaying are formed based on the selected features, whereas, in Yamamoto, the animation frames for all possible features are formed, then the animation frames for displaying are selected based on the selected features. In other words, in Applicant's invention, to save the memory, the processing time for forming the frames based on the selected features is critical, whereas, in Yamamoto, to reduce the processing time, the memory space for storing the animation frames is critical. Ramsden teaches that forming of animation frames based on the animated character is well known (Ramsden, page 10, lines 1-14). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Ramsden, to configure Yamamoto's system as claimed by forming the animation frames for only the selected features of the animated characters. As argued above, or showed in Yamamoto (column 13, lines 33-55), the motivation for forming only frames of selected features

Claim 5 requires a graphics database. Yamamoto teaches this at figure 3, item

21. As argued above, Yamamoto does have the compositing unit (which is unit 21).

The difference between the claimed invention and Yamamoto has been pointed out, but such difference is just a trade off for the required memory and the processing time as showed above.

Claim 13 further requires a signal analysis unit. Yamamoto teaches this at column 9 line 47 to column 10 line 36.

Claim 14 further requires an FFT. Yamamoto teaches this at column 9 line 47 to column 10 line 36.

Claim 18 further requires a mouth classification unit. Yamamoto teaches this at column 12 lines 5-21. As argued above, Yamamoto does have the mouth state information (stored in animation parameter profile 18). The difference between the claimed invention and Yamamoto has been pointed out, but such difference is just a trade off for the required memory and the processing time as showed above. See also Ramsden for Lip sync engine 21 which provides mouth state animation routine (page 15, lines 21-25).

Claims 33-35 further requires a processor, storage, and a program. Yamamoto teaches this at figure 3. Applicant's argument filed January 16, 2004 have been fully considered, and Examiner agrees that the difference between the claimed invention and

Yamamoto. However, such difference is just a trade off between the required memory space and the processing time; specifically, in Applicant's claimed invention, the features of the animated character are selected, and then the animation frames for displaying are formed based on the selected features, whereas, in Yamamoto, the animation frames for all possible features are formed, then the animation frames for displaying are selected based on the selected features. In other words, in Applicant's invention, to save the memory, the processing time for forming the frames based on the selected features is critical, whereas, in Yamamoto, to reduce the processing time, the memory space for storing the animation frames is critical. Ramsden teaches that forming of animation frames based on the animated character is well known (Ramsden, page 10, lines 1-14). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Ramsden, to configure Yamamoto's system as claimed by forming the animation frames for only the selected features of the animated characters. As argued above, or showed in Yamamoto (column 13, lines 33-55), the motivation for forming only frames of selected features as claimed is a trade off between the required memory and processing time.

With respect to claim 40, Yamamoto teaches the claimed library at figure 3, item 21 ; controller as item 17 and compositing engine as item 15. Applicant's argument filed January 16, 2004 have been fully considered, and Examiner agrees that the difference between the claimed invention and Yamamoto. However, such difference is just a trade

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off between the required memory space and the processing time; specifically, in Applicant's claimed invention, the features of the animated character are selected, and then the animation frames for displaying are formed based on the selected features, whereas, in Yamamoto, the animation frames for all possible features are formed, then the animation frames for displaying are selected based on the selected features. In other words, in Applicant's invention, to save the memory, the processing time for forming the frames based on the selected features is critical, whereas, in Yamamoto, to reduce the processing time, the memory space for storing the animation frames is critical. Ramsden teaches that forming of animation frames based on the animated character is well known (Ramsden, page 10, lines 1-14). It would have been obvious to a person of ordinary skill in the art at the time the invention was made, in view of the teaching of Ramsden, to configure Yamamoto's system as claimed by forming the animation frames for only the selected features of the animated characters. As argued above, or showed in Yamamoto (column 13, lines 33-55), the motivation for forming only frames of selected features as claimed is a trade off between the required memory and processing time.

Claims 41-45 recite features which have been addressed above and are rejected under similar rationale.

Claims 3,4, 6-12, 15-17, 19-32, 36-39, 46-47, 147-149 are objected to as being dependent upon a rejected base claim, but would be allowable if re-written in

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independent form including all of the limitations of the base claim and any intervening claims. There is some confusing as whether the Preliminary Amendment filed on January 16, 2004 is intended for this Application 09/713,476 or the Application serial number 09/713,477. To aid the Examiner's examining process, a list of all pending claims is requested in response to this office action.

Claims 48-59, 73-77, 91-146, 150-158 are allowed.

Due to new ground of the rejection cited above, this action has been made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phu K. Nguyen whose telephone number is (571) 272 7645. The examiner can normally be reached on M-F 8:00-4:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Razavi, can be reached on (571) 272 7664. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phu K. Nguyen  
May 7, 2006

  
**PHU K. NGUYEN**  
**PRIMARY EXAMINER**  
**GROUP 2300**